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In the Application of:  
Evan C. Unger  
Application No.: 09/413,110  
Filed: October 6, 1999  
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PATENT  
Attorney Docket No.: IMARX1110

Pursuant to 37 C.F.R. § 1.321(c), the undersigned, on behalf of Petitioners, IMARX THERAPEUTICS, INC., disclaims the terminal part of any patent granted on the above-identified Application No. 09/413,110 that would extend beyond the expiration date of U.S. Patent No. 6,443,898, U.S. Patent No. 6,416,740, and 6,403,056. Petitioners hereby agree that any patent so granted on the above-identified U.S. Patent Application No. 09/413,110 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,443,898, U.S. Patent No. 6,416,740, and 6,403,056 this Agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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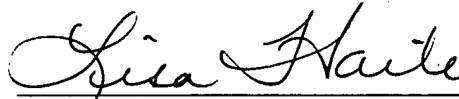
Attorney Docket No.: IMARX1110

The Commissioner is hereby authorized to charge any other fees associated with the filing submitted herewith, or credit any overpayments to Deposit Account No. 50-1355.

Respectfully submitted,

Dated: \_\_\_\_\_

11/14/03



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**USPTO CUSTOMER NUMBER 28213**  
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